

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Minsuk Kim	Team: Team # 1	CCRB Case #: 201103380	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 03/15/2011 4:45 PM	Location of Incident: Loring Place South between W. Tremont Avenue and W. Burnside Avenue	Precinct: 46	18 Mo. SOL 9/15/2012	EO SOL 9/15/2012	
Date/Time CV Reported Thu, 03/17/2011 10:36 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 03/17/2011 10:36 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Charles Awani	03219	941374	046 PCT
2. SGT Francis Bryant	00370	927980	046 PCT
3. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Aliro Pellerano	06108	940558	046 PCT
2. POM Jose Bonilla	21279	940973	046 PCT
3. POM Christophe Canelliz	20260	936292	046 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Charles Awani	Abuse: PO Charles Awani questioned § 87(2)(b)	
B. An officer	Abuse: An officer questioned § 87(2)(b)	
C.SGT Francis Bryant	Abuse: SGT Francis Bryant authorized the questioning of § 87(2)(b)	
D.POM Charles Awani	Abuse: PO Charles Awani frisked § 87(2)(b)	
E. An officer	Abuse: An officer frisked § 87(2)(b)	
F.SGT Francis Bryant	Abuse: SGT Francis Bryant authorized the frisk of § 87(2)(b)	
G.POM Charles Awani	Abuse: PO Charles Awani strip-searched § 87(2)(b)	

Case Summary

§ 87(2)(b) filed the following complaint with the CCRB through the Call Processing System on March 17, 2011 [encl. 4A-4B]. On March 15, 2011, at approximately 4:45 p.m., § 87(2)(b) was approached by three officers while standing outside of § 87(2)(b) in the Bronx. The following allegations resulted:

Allegation A – Abuse of Authority: PO Charles Awani questioned § 87(2)(b)

Allegation C – Abuse of Authority: SGT Francis Bryant authorized the questioning of

§ 87(2)(b)

§ 87(2)(g)

Allegation D – Abuse of Authority: PO Charles Awani frisked § 87(2)(b)

Allegation F – Abuse of Authority: SGT Francis Bryant authorized the frisk of § 87(2)(b)

Allegation G – Abuse of Authority: PO Charles Awani strip-searched § 87(2)(b)

§ 87(2)(g)

Allegation B – Abuse of Authority: An officer questioned § 87(2)(b)

Allegation E – Abuse of Authority: An officer frisked § 87(2)(b)

§ 87(2)(g)

A spin-off of this case was referred to IAB (log number 11-15242) regarding § 87(2)(b)'s claim that marijuana was planted on him.

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b) at the time of his interview.

CCRB Testimony

§ 87(2)(b) provided his initial statement when he filed his complaint on March 17, 2011 [encl. 4A-4B]. He provided an additional phone statement on March 18, 2011 [encl. 4C] and was interviewed at the CCRB on April 1, 2011 [encl. 4D-4J]. § 87(2)(b)'s statements were generally consistent, and have been combined below with exceptions noted.

On March 15, 2011, at 4:45 p.m., § 87(2)(b) walked from his apartment at § 87(2)(b) to § 87(2)(b) to meet his girlfriend and go to the apartment of his girlfriend's friend, "§ 87(2)(b) § 87(2)(b) lives in § 87(2)(b) 2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) walked from Billingsley Terrace to Phelan Place, south on Phelan Place to West Tremont Avenue, east on West Tremont Avenue to Loring Place South, and then north on Loring Place

South to number § 87(2)(b) § 87(2)(b) wore a black leather jacket, a red hoodie, and jeans adorned with NBA team logo patches. The door to the building was locked and § 87(2)(b) gained entry without a key when someone else opened the door. § 87(2)(b) went to § 87(2)(b) and knocked on the door. No one answered and § 87(2)(b) left. § 87(2)(b) was inside of the building for approximately five minutes. As he left, he received a call from his girlfriend who stated that she was on her way to the building. § 87(2)(b) then exited the building and waited outside for his girlfriend on the sidewalk.

After standing outside on the sidewalk in front of the building for approximately five minutes, § 87(2)(b) saw a dark blue unmarked van driving north on Loring Place South. The van drove slowly as it approached § 87(2)(b) and came to a full stop. § 87(2)(b) saw that the person in the front passenger seat was an officer he recognized from a prior encounter, resulting in § 87(2)(b)'s filing of CCRB case number § 87(2)(b) in which he alleged that officers threatened him with force and strip-searched him. The officer, identified by the investigation as SGT Francis Bryant of the 46th Precinct, was described by § 87(2)(b) as a black male, 6'1" tall, muscular build, with a "round face," "broad nose," and a bald head, in uniform. § 87(2)(b) and SGT Bryant briefly made eye contact and the van drove away slowly, stopping again when it was approximately two car-lengths away from § 87(2)(b) PO1 (male, Hispanic, 5'9" tall, medium build, black curly hair, in uniform), whom the investigation could not identify, exited the van from the passenger's side and approached § 87(2)(b). As PO1 approached, § 87(2)(b) stretched his back. § 87(2)(b) has recurring pain in his back and stretches frequently. To stretch, § 87(2)(b) placed both of his hands on his back, by his waistband while facing PO1. Shortly after PO1 exited, another officer, identified by the investigation as PO Charles Awani of the 46th Precinct, exited the van from the driver's seat, followed by SGT Bryant. PO Awani was described as a black male, 5'11" tall, medium build, late 30s, with a bald head and sideburns, in uniform.

PO1 asked § 87(2)(b) why he was standing in front of the building and if he lived in the area. § 87(2)(b) replied that he was waiting for his girlfriend who was en route to the location in a taxi and that he lived "down the block." PO1 then asked § 87(2)(b) if he had any drugs and began to frisk § 87(2)(b). In his phone statement, § 87(2)(b) stated that PO1 asked to frisk him, and that he consented to the frisk. § 87(2)(b) told PO1 that he did not have any drugs. PO1 informed § 87(2)(b) that § 87(2)(b) was a "hot" building, and that the officers were aware that somebody sells marijuana from it. PO1 patted the left side of § 87(2)(b)'s body. PO Awani stood to § 87(2)(b)'s right and concurrently patted the outside of his right jacket pocket. § 87(2)(b) was not certain if PO Awani entered his pocket. As PO1 and PO Awani frisked § 87(2)(b), SGT Bryant stood two to three feet in front of § 87(2)(b) and "watched them do their job." § 87(2)(b) had his arms out to the side and looked directly at SGT Bryant. PO1 frisked § 87(2)(b) along his left arm, starting at the shoulder and down to the cuff of his jacket. PO1 entered the left sleeve of § 87(2)(b)'s jacket and produced, from the inside of the left cuff, a small bag (possibly a "nickel bag") of marijuana. § 87(2)(b) objected that he does not smoke marijuana and suggested that the officers planted the contraband on him. PO1 never entered § 87(2)(b)'s pockets and § 87(2)(b) was unable to see if PO1 had anything in his hands prior to frisking him.

PO1 handcuffed § 87(2)(b) and led him into the police van. PO1 asked § 87(2)(b) "Haven't I locked you up before?" § 87(2)(b) denied having any prior engagement with PO1. § 87(2)(b) was transported to the 46th Precinct stationhouse. He was escorted into the stationhouse by PO

Awani. At the front desk, PO Awani removed § 87(2)(b)'s mobile phone, keys, and wallet and turned them over to SGT Bryant. § 87(2)(b) did not know where PO1 went.

From the front desk, PO Awani led § 87(2)(b) to a private room to be strip-searched. § 87(2)(b) had been in the room once before. The room has gray walls and a toilet to the left, as one enters. Inside the room, PO Awani instructed § 87(2)(b) to remove his shoes and shoelaces, socks, belt, pants, and underwear. § 87(2)(b) complied. After removing his underwear, § 87(2)(b) was told to squat and then to remove his tee shirt. PO Awani examined the individual articles of clothing; he squeezed § 87(2)(b)'s pants pockets and looked into his shoes. No contraband was recovered during the strip-search and § 87(2)(b) put his clothes back on.

§ 87(2)(b) was led to the holding cells where he stayed for approximately half an hour before PO Awani came to take his fingerprints. As PO Awani took his fingerprints, § 87(2)(b) asked him why he had been stopped. PO Awani expressed to § 87(2)(b) that had it been his decision, he would not have stopped him, and added that SGT Bryant had instructed him and PO1 to do so. § 87(2)(b) was transported to Central Booking some time thereafter.

The day after § 87(2)(b) was released from Central Booking, he went back to the 46th Precinct to claim his vouchered property. When he was there, he spoke with a female desk sergeant. He provided a physical description of SGT Bryant and the desk sergeant identified him by name. The desk sergeant also called for PO Awani. PO Awani arrived at the stationhouse and § 87(2)(b) spoke with him. During their conversation, § 87(2)(b) asked PO Awani for his name and PO Awani provided it. § 87(2)(b) asked PO Awani for PO1's name, but PO Awani was unable to identify him, stating that the officers were on a team together, but were not well acquainted with each other.

§ 87(2)(b) stated that he had been arrested at the 46th Precinct once before. He was previously strip-searched, but the officers did not find any contraband. § 87(2)(b) further stated that when he was "younger" he was strip-searched a number of times (he could not recall how many), but the officers never found any contraband.

NYPD Statements:

Subject Officer: PO CHARLES AWANI

- *PO Charles Awani is a § 87(2)(b)*
- *PO Awani was assigned to Conditions with PO Pellerano and SGT Bryant from 9:30a.m. until 6:05 p.m. on March 15, 2011. He was in uniform and assigned to an unmarked black van, auto number 8386.*

§ 87(2)(a) 160.50

§ 87(2)(a) 160.50

Memo book

PO Awani prepared the following relevant memo book entries [encl. 5A-5B]. At 4:45 p.m., an individual was arrested in front of § 87(2)(b) for Criminal Possession of Marijuana. At 5:00 p.m., the arrest was processed. PO Awani noted in his memo book that his assigned partner was PO Pellerano.

CCRB Testimony

PO Awani was interviewed at the CCRB on June 24, 2011 [encl. 5J-5K].

On March 15, 2011, PO Awani made a right turn onto Loring Place South from West Tremont Avenue in the Bronx in an unmarked black van. PO Awani drove the van, SGT Bryant sat in the front passenger's seat, and PO Pellerano sat on the bench directly behind PO Awani. As he made the turn, PO Awani observed § 87(2)(b) exit the front entrance of § 87(2)(b) a "Clean Halls" building. PO Awani notified SGT Bryant about what he had seen and stopped the vehicle to approach § 87(2)(b) based solely on his exit from the building, because the officers "always investigate to make sure that [civilians] do have some sort of business in the building." PO Awani stated that officers have the authority to question anyone exiting or entering a "Clean Halls" building. PO Awani did not see how long § 87(2)(b) was inside the building or what he was doing inside the building. When asked if there had been any discussion within the van about stopping § 87(2)(b) PO Awani answered, "Not really."

PO Awani, SGT Bryant, and PO Pellerano exited the vehicle approximately 45 seconds after PO Awani first noticed § 87(2)(b). PO Awani approached § 87(2)(b) and § 87(2)(b) asked him, "Why are you stopping me?" PO Awani pointed to a "Clean Halls" sign mounted on the building and began to ask § 87(2)(b) typical "Clean Halls questions." The questions included: "What is your business in the building?" "Who are you visiting?" "What is your name?" and "Do you have an identification card?" § 87(2)(b) failed to provide satisfactory answers to these questions. § 87(2)(b) stated he was in the building visiting someone, but was unable to produce a name or apartment number of the person he was visiting. If § 87(2)(b) had provided a name, PO Awani could have checked the roster of residents that they keep at the stationhouse. PO Awani could not recall if § 87(2)(b) ever produced identification. § 87(2)(b)'s insufficient answers precluded further investigation by PO Awani and the officer subsequently arrested him for trespassing.

PO Awani handcuffed § 87(2)(b) and frisked him around his waistband prior to placing him inside of the police van. No frisk was conducted prior to § 87(2)(b)'s arrest. As § 87(2)(b) was handcuffed, PO Awani discovered that he had a bag of marijuana clenched in his right hand. During his interview, PO Awani was presented with a copy of the criminal court complaint which stated that the marijuana was discovered in § 87(2)(b)'s left sleeve. PO Awani maintained that he remembered the marijuana in § 87(2)(b)'s right hand. § 87(2)(b) was placed inside the police van for transport to the 46th Precinct stationhouse. On the way to the stationhouse, § 87(2)(b)

§ 87(2)(b) voluntarily told PO Awani that he had been at § 87(2)(b) to purchase marijuana. At the stationhouse, § 87(2)(b) was escorted to the front desk where the contents of his pockets were emptied and his possessions were inventoried.

PO Awani then led § 87(2)(b) to a bathroom near the stationhouse holding cells. Individuals who are arrested for any offense are routinely told to remove their shoelaces and belt in the bathroom to mitigate the flight risk presented by releasing a prisoner from his or her handcuffs at the front desk. Inside the bathroom, PO Awani released § 87(2)(b) from his handcuffs, instructed him to remove his shoes, remove the shoelaces from his shoes, lift his shirt (which § 87(2)(b) lifted to his mid-chest), and to remove his belt. When § 87(2)(b) lifted his shirt, PO Awani visually inspected § 87(2)(b)'s waistband for additional contraband. No additional contraband was found. Nobody else was present for this search. § 87(2)(b)'s undergarments were not exposed during this search, and § 87(2)(b) was never instructed to remove any articles of clothing or to "squat." PO Awani had no reason to believe § 87(2)(b) had contraband on him. Following this search, § 87(2)(b) was taken to the holding cells. PO Awani had no further interaction with § 87(2)(b).

PO Awani stated in his interview that he has never conducted a strip-search and added that he did not know the procedure for effecting a strip-search, as he was not trained to conduct one. PO Awani further stated that he would not conduct a strip-search unless instructed to by a supervisor. PO Awani did not consult with any other officers regarding the arrest or processing of § 87(2)(b). PO Awani did not recall any interaction between his partners and § 87(2)(b). PO Awani did not recall any subsequent interactions with § 87(2)(b) once he was released.

Subject Officer: SGT FRANCIS BRYANT

- *SGT Francis Bryant is a § 87(2)(b).*
- *SGT Bryant was assigned to Conditions from 9:15a.m. until 6:12 p.m. on March 15, 2011. He was assigned to an unmarked black van, number 8386. SGT Bryant could not remember his partners or if he was in uniform on the date of the incident.*

Memo book

SGT Bryant stated that he had lost the memobook containing entries from the date of the incident and that a UF-61 had been prepared in regards to the lost memobook [encl. 6A-6C].

CCRB Testimony

SGT Bryant was interviewed at the CCRB on June 23, 2011 [encl. 6D-6E].

SGT Bryant had no recollection of the incident. He stated that he had earlier reviewed documents related to § 87(2)(b)'s arrest, including § 87(2)(b)'s arrest photo and arrest report. SGT Bryant viewed a photo of § 87(2)(b) taken on April 1, 2011, by Inv. Kim at the CCRB. SGT Bryant stated that § 87(2)(b) looked familiar, but he has seen many people arrested, so he did not recall anything specific about § 87(2)(b) regarding this or any prior incidents. SGT Bryant was also shown the on-line booking sheet prepared for § 87(2)(b)'s arrest, and command log entries from the date of the incident, yet SGT Bryant was unable to recall any incident details. SGT Bryant was familiar with the incident location, § 87(2)(b). He stated that the building is a known drug-prone location and that marijuana is sold from the location. This knowledge is based on "phone calls, prior arrests inside and in front of the location, people in the area, and people in the building." SGT Bryant has previously been involved in arrests made at

the location. SGT Bryant stated that strip-searches at the 46th Precinct are conducted in a bathroom located near the holding cells. He is not always present for strip-searches that he authorizes. The only other rooms nearby are for administrative use. SGT Bryant stated that the bathroom is “small” and contains a toilet, but could not describe the space any further. SGT Bryant also stated that strip-searches are sometimes conducted in lieu of routine searches. SGT Bryant’s legal representative would not allow him to answer whether searches (not just strip-searches) are ever conducted in the bathroom. SGT Bryant did not recall stopping, frisking, or authorizing the stop, frisk, or strip-search of § 87(2)(b)

Witness Officers: PO ALIRO PELLERANO, PO CHRISTOPHER CANELLIZ, PO JOSE BONILLA

- *PO Aliro Pellerano is a § 87(2)(b) [encl. 10HH]. PO Christopher Canelliz is a § 87(2)(b) [encl. 10FF]. PO Jose Bonilla is a § 87(2)(b) [encl. 10GG].*
- *PO Pellerano, PO Canelliz, and PO Bonilla were assigned to Conditions from 9:30a.m. until 6:05 p.m. on March 15, 2011. PO Pellerano and PO Canelliz were in uniform and assigned to marked patrol car number 4780. PO Bonilla was in uniform, but could not provide a description of the vehicle to which he was assigned or with whom he was working.*

Memo book

PO Pellerano, PO Bonilla, and PO Canelliz did not have any entries in their memo books related to the incident, or that would place them in the vicinity of the incident at the time of occurrence. It is noted in PO Pellerano and PO Canelliz’s memo books that they were working with each other. PO Bonilla did not note with whom he was working on the date of the incident. [encl. 7A-7B; 8A-8B; 9A-9B]

CCRB Testimony

PO Pellerano was interviewed at the CCRB on June 24, 2011 [encl. 7C-7D]. PO Bonilla was interviewed at the CCRB on July 8, 2011 [8C-8D]. PO Canelliz was interviewed at the CCRB on July 27, 2011 [encl. 9C-9D]. The officers were interviewed as they were all members of the 46th Precinct Conditions team on the date of the incident.

PO Pellerano, PO Bonilla, and PO Canelliz had no recollection of the incident. They reviewed a photo of § 87(2)(b) taken at the CCRB on April 1, 2011 and the arrest report prepared for § 87(2)(b)’s arrest. The officers were also provided with a brief synopsis of the incident.

NYPD Documents

Command Log

Tour 3 Command Log entries were obtained from the 46th Precinct [encl. 10V-10EE]. An entry made at 4:55 p.m. indicates that § 87(2)(b) was arrested by PO Awani at § 87(2)(b) for § 87(2)(a) 160.50. The arrest was verified by SGT Bryant. The command log entries do not indicate that PO Awani was granted permission to strip-search § 87(2)(b).

Arrest for Incident and Disposition

- § 87(2)(a) 160.50

Status of Civil Proceedings

- § 87(2)(b) had not filed a Notice of Claim with the City of New York as of October 14, 2011, with regard to the incident [encl. 14].

§ 87(2)(c), § 87(2)(b)

- [illegible]

§ 87(2)(b)

- [REDACTED]
 [REDACTED]
 [REDACTED]

Subject Officer CCRB History

- SGT Francis Bryant has been a member of the service for 10 years. In CCRB case number 200910870, the board substantiated an allegation of an improper stop and recommended a Command Discipline. The NYPD issued SGT Bryant instructions [encl. 2A-2B].
- PO Charles Awani has been a member of the service for 5 years [encl. 2C-2D].
 - In case number 200902979, the board substantiated an allegation of an improper stop and recommended Command Discipline B. The NYPD issued PO Awani a Command Discipline B.
 - In case number 200904056, the board substantiated an allegation of an improper stop and cited PO Awani for failure to prepare a memo book entry and failure to produce a stop and frisk report. The board recommended a Command Discipline for each of the three allegations. The NYPD issued PO Awani a Command Discipline B for the improper stop and his failure to prepare a stop and frisk report.
 - In case number 200919404, the board substantiated an allegation that PO Awani refused to provide his name or shield number and recommended Command Discipline B. The NYPD issued PO Awani a Command Discipline B.

Conclusion

Identification of Subject Officers

PO Awani admitted to interacting with § 87(2)(b) recognized SGT Bryant from a previous encounter and described him as a black male, 6'1" tall, muscular build, with a "round face," "broad nose," and a bald head. The description matches SGT Bryant's pedigree information. Although SGT Bryant could not himself recall the incident, PO Awani stated that SGT Bryant was present. PO Awani stated that he notified SGT Bryant, his supervisor, that he had observed § 87(2)(b) exit a Clean Halls building prior to approaching § 87(2)(b). As SGT Bryant authorized the question and frisk of § 87(2)(b) he is listed as the subject of those allegations. Question, frisk, and strip-search allegations are being pleaded against PO Awani as he is the officer that § 87(2)(b) alleged performed those actions.

The investigation was unable to identify the third involved officer, who was described by § 87(2)(b) as a Hispanic male, 5'9" tall, medium build, black curly hair, in uniform. § 87(2)(b) alleged that the unidentified officer questioned and frisked him. According to PO Awani's memo book, his partner on the date of the incident was PO Pellerano. However, according to PO Pellerano's memo book, his partner was PO Canelliz. PO Canelliz's memo book confirmed that he was partnered with PO Pellerano. According to the 46th Precinct's Tour 2 roll call from March 15, 2011, SGT Bryant was the patrol supervisor for a Precinct Conditions team comprising PO Awani, PO Pellerano, PO Canelliz, PO Bonilla, and PO Merlin Alston. PO Alston is a black male, and was thus eliminated as a plausible match for the unidentified officer. PO Pellerano, PO Canelliz, and PO Bonilla are all Hispanic males. According to his officer photo, PO Pellerano has "wavy" black hair [encl. 10HH]. Additionally, PO Pellerano is 6'0" tall and 250 pounds; he is larger-framed than the officer described by § 87(2)(b). PO Canelliz and PO Bonilla both have medium builds, and according to their officer photos [encl. 10FF, 10GG], have curly dark hair. Neither officer is 5'9" tall; PO Canelliz and PO Bonilla are 5'11" tall and 5'7" tall, respectively. Neither PO Canelliz nor PO Bonilla made entries in their memo books that account for their locations at the time of the incident. PO Bonilla did not note in his memo book who his partner was on the date of the incident. Question and frisk allegations are therefore being pleaded against "an officer."

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: PO Charles Awani questioned § 87(2)(b)

Allegation C – Abuse of Authority: SGT Francis Bryant authorized the questioning of § 87(2)(b)

§ 87(2)(b) stated that approximately five minutes after he exited § 87(2)(b) he saw SGT Bryant, PO Awani, and another unidentified officer, driving in a dark blue unmarked van. PO Awani drove the van, and SGT Bryant sat beside him, in the front front passenger's seat. All of the officers exited the van and the unidentified officer asked § 87(2)(b) why he was standing in front of the building and if he lived in the area. § 87(2)(b) replied that he was waiting for his girlfriend and that he lived "down the block." The unidentified officer asked § 87(2)(b) if he possessed any drugs; § 87(2)(b) denied having any drugs. The unidentified officer told § 87(2)(b) that the building in front of which he stood was "hot." SGT Bryant exited the vehicle with PO Awani, and was present outside of the vehicle while § 87(2)(b) was questioned.

PO Awani was the only officer able to recall the incident. He stated that as he drove from West Tremont Avenue, onto Loring Place South, he saw § 87(2)(b) exit § 87(2)(b). PO Awani stated that officers have the authority to question anyone exiting or entering a "Clean Halls" building. PO Awani notified SGT Bryant, who sat next to him in the front passenger's

seat, of his observation. Approximately 45 seconds thereafter, PO Awani, SGT Bryant, and PO Pellerano exited their vehicle and approached § 87(2)(b). When asked if there had been any discussion within the van about stopping § 87(2)(b), PO Awani answered, “Not really.” § 87(2)(b) asked PO Awani, “Why are you stopping me?” PO Awani pointed to a “Clean Halls” sign mounted on the building and began to ask § 87(2)(b) typical “Clean Halls questions.” The questions included: “What is your business in the building?” “Who are you visiting?” “What is your name?” and “Do you have an identification card?” § 87(2)(b) failed to provide satisfactory answers to these questions in that he stated he was in the building visiting someone, but was unable to produce a name or the apartment number of the person he was visiting. § 87(2)(b) was subsequently arrested for trespassing. While PO Awani was the only officer able to recall the incident, Sgt. Bryant did state that § 87(2)(b) is a known drug-prone location and that marijuana is sold from that location.

According to the NYPD memo book insert, “Street Encounters – Legal Issues,” [encl. 1A] a Level I request for information allows an officer to ask a civilian “questions concerning the subject’s name, address, conduct or presence at the location” provided the officer has an “articulable reason to approach,” beyond “mere whim and caprice.” The police may not demand identification from an individual solely because he is leaving a trespass affidavit building. People v. Almonte, 30 Misc.3d 1234A (Sup. Ct. Bx Cty. 2011) [encl. 1B-1E]. While location is a relevant factor in determining whether the police had an objective credible reason to approach and question an individual exiting a trespass affidavit building, there must be some objective evidence specific to the incident at hand in addition to location to support an objective credible reason to approach such individual. Id.

§ 87(2)(g)
[REDACTED]

Allegation D – Abuse of Authority: PO Charles Awani frisked § 87(2)(b)
Allegation F – Abuse of Authority: SGT Francis Bryant authorized the frisk of § 87(2)(b)
[REDACTED]

§ 87(2)(g)
[REDACTED]
In his CCRB interview, § 87(2)(b) stated that an officer, unidentified by the investigation, frisked the left side of his body after he asked him why he was standing in front of the building, if he lived in the area, and if he possessed any drugs, while PO Awani frisked his right side. As § 87(2)(b) was frisked, SGT Bryant stood two to three feet in front of him and watched the officers “do their job.” In his phone statement, § 87(2)(b) stated that the unidentified officer asked to

frisk him and that he consented to the frisk. PO Awani admitted to frisking § 87(2)(b) yet stated that he did so only after § 87(2)(b) was arrested, and that no frisk was conducted prior.

An officer's request for consent to search is a common law inquiry which must be supported by a founded suspicion that criminality is afoot. People v. Hollman, 79 N.Y.2d 181 (1992) [encl. 1F-1M]. Consent to search which directly ensues from improperly initiated police conduct is invalid as a matter of law. People v. Packer, 49 A.D.3d 184, 188 (App. Div. 1st Dep't. 2008) [encl. 1N-1S] Officers may, however, search an individual pursuant to a lawful arrest. People v. Inge, 90 A.D. 3d 675, 676 (App. Div. 2d Dep't. 2011) [encl. 1T]

§ 87(2)(g)
[REDACTED]

[REDACTED]

Allegation B – Abuse of Authority: An officer questioned § 87(2)(b)

Allegation E – Abuse of Authority: An officer frisked § 87(2)(b)

As the investigation could not identify the officer who allegedly questioned and frisked § 87(2)(b)

§ 87(2)(g)
[REDACTED]

Allegation G – Abuse of Authority: PO Charles Awani strip-searched § 87(2)(b)

§ 87(2)(b) stated that following a search at the front desk of the 46th Precinct stationhouse, PO Awani removed him to a private room. Inside the room, PO Awani instructed § 87(2)(b) to remove his shoes and shoelaces, socks, belt, pants, and underwear, and then told him to squat and remove his tee shirt. PO Awani examined the individual articles of clothing; he squeezed § 87(2)(b)'s pants pockets and looked into his shoes. No contraband was recovered during the strip-search and § 87(2)(b) put his clothes back on. PO Awani stated that he led § 87(2)(b) to a bathroom near the stationhouse holding cells, following a search at the front desk. Inside the bathroom, PO Awani released § 87(2)(b) from his handcuffs, instructed him to remove his shoes and shoelaces, lift his shirt, and remove his belt. When § 87(2)(b) lifted his shirt, PO Awani visually inspected § 87(2)(b)'s waistband for additional contraband.

§ 87(2)(g)
[REDACTED]

Team: _____

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date